

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.36679 of 2015

ORDER:

The grievance of the petitioner was that the Court of the Agency Divisional Officer, Kothagudem, passed an order on 04.05.2015 in LTR Case No.1/2015/YLD, whereunder the Tahsildar, Yellandu, was directed to restore the scheduled land to the petitioner or his legal heirs in the said case. In the event such restoration was found not possible, it was directed that the land should be taken into Government custody for assignment for landless Tribals. The petitioner herein was not a party to LTR Case No.1/2015/YLD. However, it is his grievance that in the guise of the order passed therein, his valuable property right would be affected.

Perusal of the order passed in the said case reflects that the petitioner did, in fact, submit a petition to the Court asserting his interest but he was not made a party to the case. Admittedly, an appeal lies against the said order under Regulation 3.3(a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959, to the Additional Agent to the Government i.e. the Project Officer, ITDA, Bhadrachalam. The appeal provision does not stipulate that such an appeal can be preferred only by a party to the proceedings. It would therefore be open to the petitioner to raise his grievances against the order aforestated before the appellate authority.

As the statutory provision provides a limitation of 60 days from the date of receipt of the order for preferring such an appeal and as the petitioner was not a party thereto, this Court is of the opinion that the petitioner can be permitted to prefer an appeal as aforestated within 60 days from the date of receipt of a copy of this order. As it is apprehended that in the guise of the said order, the petitioner would be divested of his property rights, the said order shall be kept in abeyance for a period of 90 days. In the meanwhile, it shall be open to the petitioner to seek appropriate interlocutory relief from the appellate authority as deemed fit.

As this Court has not decided any issue in this writ petition and is only relegating the petitioner to the appellate authority, it is not necessary to put the 6th respondent on notice. Only the execution of the order passed in her favour is stayed temporarily in terms of the statutory remedy of appeal and she therefore suffers no

adversity to her interests owing to this order.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:12.11.2015

Note: Furnish C.C. in three (3) days.

(B/o)

GJ